## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

MOTION TO SUPPRESS		
FERNANDO GUERRA, JR.	<b>§</b>	
VS.	§	Criminal Docket No.: 7:13-cr-070-6
UNITES STATES OF AMERICA	§	

## TO THE HONORABLE JUDGE OF SAID COURT:

The defendant, **FERNANDO GUERRA**, **JR.**, by and through his counsel respectfully moves this Honorable Court to suppress all evidence seized as the result of a search of the defendant and a home, a vehicle and all statements either written or oral made after the arrest of the defendant.

The defendant relies upon the following reasons to support aforesaid motion.

I.

That the defendant was arrested without warrant and without probable cause in violation of the IV, V, and XIV Amendments to the Constitution of the United States.

II.

That the search of a person and a vehicle and a home was therefore illegal and all the fruits of the search must be suppressed.

III.

That if such arrest of search were upon an arrest warrant or a search warrant the affidavit therefore did not allege sufficient facts to establish probable cause.

IV.

All statements either written or oral made after his, the said **FERNANDO GUERRA**, **JR.'S** arrest, the defendant, are fruits of the illegal arrest and search and are therefore inadmissible as fruits of the poisonous tree.

Respectfully submitted:

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/s/ david r. gorena **DAVID R. GORENA**FEDERAL I.D. #1585

ATTORNEY FOR THE DEFENDANT

## CERTIFICATE OF SERVICE AND CONFERENCE

I do hereby certify that a true and correct copy of the foregoing Motion to Suppress has been e-mailed and/or hand delivered to the United States Attorney's Office, James Sturgis, at 1701 W. Business Hwy. 83, Suite 600, McAllen, Texas, on this the 27<sup>TH</sup> day of March, 2013.

/s/ david r. gorena DAVID R. GORENA